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EXAMINER	
VAN HANDEL, MICHAEL P	
ART UNIT	**PAPER NUMBER**
2424	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/841,149	SAHOTA, RANJIT	
	Examiner	Art Unit	
	MICHAEL VAN HANDEL	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/07/2009 has been entered.

Response to Amendment

2. This action is responsive to an Amendment filed 4/07/2009. Claims **1-27** are pending. Claims **1**, **8**, **15**, **20**, **24**, **27** are amended. Applicant's amendment to the specification is hereby entered.

Response to Arguments

Applicant's arguments regarding the Zdepski et al. reference, filed 4/07/2009, have been considered, but are moot in view of the new ground(s) of rejection.

Applicant's arguments regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, filed 4/07/2009, have been fully considered, but they are not persuasive.

Regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, the applicant argues that Marler et al. does not teach automatically integrating interactive content with the TV content in response to business or personalization rules, as claimed. The examiner respectfully disagrees. As noted in the Office

Action mailed 1/07/2009, Marler et al. teaches a content creator 12 that originates enhancement data (or other type of ancillary information) and television content (or other type of content including audio and/or video data), the combination of which is referred to as enhanced television content (p. 1, paragraph 13 & Fig. 1). The examiner interprets this as "creating an integrated video data stream," as currently claimed.

Marler et al. further discloses that software 52 resident on the server or content creator 12 begins receiving content to be transmitted and then receives ancillary information that is to be transmitted in association with the content. Based on the content of the ancillary information, an icon locator is developed. The icon locator provides a pointer to the location of information about a content-identifying icon. The icon is a graphical symbol that indicates the nature of all or part of the content in the ancillary information (p. 3, paragraph 33). This icon locator may be a uniform resource locator (URL) that points to an Internet web address containing information about a suitable icon that may be displayed to provide the user with information about the content contained in the ancillary information or may point to a location in the transmitted ancillary information that may be utilized to access and then display a suitable icon (p. 3, paragraph 35). Marler et al. states that the indicators may provide the user with greater information about the ancillary information that has been provided with the television content, enabling the user to make an informed decision about whether or not to access the ancillary information (p. 3, paragraph 32). Marler et al. provides an example where an indicator may be indicative that the ancillary information is targeted towards children (p. 3, paragraph 31). Since Marler et al. provides an example where ancillary information targeting a specific audience (personalized for children in this case) is transmitted with a video program, similar to that

disclosed by applicant in paragraph 24 of Applicant's specification, the examiner interprets this as "automatically integrating, in response to one or more business or personalization rules, interactive content with an unmodified video data stream comprised of television (TV) broadcast content," as currently claimed.

Further regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, the applicant argues that Mao et al. does not teach creating an integrated video data stream by automatically integrating, in response to one or more business or personalization rules, interactive content with an unmodified video data stream. The examiner respectfully disagrees. Mao et al. teaches providing seamless integration of Internet services and the coming digital television signals. The headends of cable systems multiplex MPEG video signals and Internet signals into MPEG channels which can be customized for each consumer's particular use and demands (col. 2, l. 37-43). Mao et al. further discloses that users of the system can receive program synchronous Webcasting information for each segment of the digital video programming. For example, one can access additional Web based information, such as a Web page about a TV commercial currently showing on TV (col. 2, l. 62-66). A MORECAST Simulcast Data service provides HTML based Webcasting content, such as advertisements related to the program, associated with each digital broadcast TV channel and makes the simulcast data available to all clients who are tuning to the program segment that the data is associated with (col. 3, l. 16-27 & col. 4, l. 41-50). Since Mao et al. discloses associated Webcasting advertisements with associated program segments and making the advertisements available to all clients tuned to the program segments, the examiner interprets this as "automatically integrating, in response to one or more business or personalization rules, interactive content with an unmodified video data stream comprised of television (TV) broadcast

content," as currently claimed. Mao et al. further discloses a MORECAST Personalized Data service that provides HTML based Webcasting content that is personalized based on each user's individual profile and viewing time (col. 3, l. 27-29 & col. 4, l. 50-52). This also meets the limitation of "automatically integrating, in response to one or more business or personalization rules, interactive content with an unmodified video data stream comprised of television (TV) broadcast content," as currently claimed.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims **24-27** are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. Claims 24-27 are directed to a machine-readable medium; however, Applicant's specification states that a machine-readable medium provides (i.e., stores and/or *transmits*) information in a form readable, e.g., by a CPU 134 (italicized for emphasis). The examiner notes that a claim directed to a signal or a law of nature *per se* does not appear to be a process, machine, manufacture, or composition of matter. See **MPEP 2106.01** for guidance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **1**, **8**, **15**, **20**, **24**, and **27** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2001/0003212 to Marler et al. (Marler).

Referring to claims **1**, **8**, **15**, **20**, **24**, and **27**, Marler teaches a content creator (12) providing enhancement data and television content to be transmitted by the transport operator (14) (p. 1, paragraph 13) to receivers (16). Marler teaches in response to one or more business or personalization rules (p. 3, paragraphs 31-33, 35 & Fig. 3), creating an integrated video data stream by integrating interactive content with an unmodified video stream (p. 3, paragraphs 31, 32) and transmitting the integrated video data stream to one or more receivers for display (p. 2, paragraphs 24, 26 & p. 3, paragraphs 27, 30 – see separate transport stream).

Marler et al. further teaches a transport operator 14 that receives A/V content and enhancement content from a content creator 12 over separate ports (p. 2, paragraph 26 & Fig. 1). The controller 106 of the transport operator runs under control of a software routine 108 that is initially stored in a storage medium 104 and loaded by the controller 106 for execution. Instructions and data of the software routine are also stored in the storage medium. The controller creates special announcements to be transmitted with enhancement data. The enhancement data and special announcements are then transmitted to the receivers, where the A/V content is enhanced (p. 2, 3, paragraphs 26, 27).

7. Claims **1-5**, **7-12**, and **14-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Mao et al.

Referring to claims **1**, **8**, **15**, **20**, **24**, and **27**, Mao discloses a system and method for integrating television content with Internet content. Mao discloses a headend (Fig. 1), which creates an integrated video data stream by automatically integrating interactive web content received or downloaded from the world wide web 110 (Fig. 1) with an unmodified TV broadcast content received from analog TV source 30 or digital TV source 40 via receiver 60 (Fig. 1) in response to business or personalization rules (col. 2, l. 37-43, 62-67; col. 3, l. 1-6, 16-29; & col. 4, l. 41-52) . Mao further discloses transmitting the integrated content to a client set-top terminal 150 for display on a TV (Fig. 1).

Referring to claims **2**, **9**, **18**, and **22**, Mao discloses the additional web based information is a web page about a TV commercial (col. 2, l. 65-67). Necessarily, the web page is advertising content.

Referring to claims **3**, **10**, and **25**, Mao discloses the user can display the associated web page with the TV commercial (col. 2 l. 65-67) and thus discloses linking the interactive content with the TV broadcast.

Referring to claims **4**, **11**, and **26**, Mao discloses displaying the integrated content to allow a user to interact with the interactive content (col. 7, l. 28-60).

Referring to claims **5** and **12**, Mao discloses transmitting the TV broadcast with web pages without modifying the interactive content and the TV broadcast content (col. 4, l. 9-32 & Fig. 1).

Referring to claims **7** and **14**, Mao discloses providing customized and targeted integrated content (col. 2, l. 40-45).

Referring to claim **16**, Mao discloses the user can access additional information about a commercial (col. 2, l. 63-65).

Referring to claims **17** and **21**, Mao discloses the claimed set-top box 150 (Fig. 1).

Referring to claims **19** and **23**, Mao discloses customizing the interactive content for a specific market, group, or geographic region (col. 2, l. 57-66; col. 3, l. 16-30; & col. 4, l. 41-52).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims **6** and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al.

Referring to claims **6** and **13**, Mao fails to specifically disclose the claimed advertising banner. Applicant's failure to adequately traverse the Examiner's taking of Official Notice (that it would have been well known that displaying an advertising banner both provides displaying additional information while minimizing obstruction of the primary video content) in the last Office Action is taken as an admission of the fact(s) noticed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mao to include the claimed limitation for the benefit of providing a viewer with additional information while minimizing obstructing viewing of the primary video content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424

MVH